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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,443	11/16/2001	Hyam I. Levitsky	213026	1421

8968 7590 04/19/2005

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CHICAGO, IL 60606

EXAMINER

LI, QIAN JANICE

ART UNIT	PAPER NUMBER
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1632

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09992443	11/16/2001	Levitsky, H	P2133US

EXAMINER

Q. Janice Li

ART UNIT**PAPER**

1632

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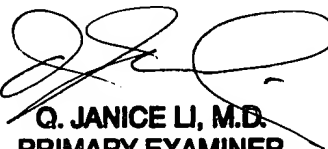
Commissioner for Patents

The reply brief filed 1/31/05 has not been entered because the appellant cited a new reference (Sullivan et al, 1985) in the reply brief, which reference has never been on record of this application, and it is not appropriate to submit other evidence after the date of filing a notice of appeal and appeal brief [see § 1.116(e), §§ 41.33 ((c, d(2)))].

MPEP 1208.03 instructs,

Amendments, affidavits, and/or other evidence must be submitted in papers separate from the reply brief, and the entry of such papers is subject to the provisions of 37 CFR 1.116 and 37 CFR 1.195. A paper that contains an amendment (or evidence) is not a reply brief within the meaning of 37 CFR 1.193(b). Such a paper will not be entitled to entry simply because it is characterized as a reply brief.

The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.


Q. JANICE LI, M.D.
PRIMARY EXAMINER

Q. Janice Li
Primary Examiner
Art Unit: 1632